

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case Nos. 1:95-CR-54
vs.	)	
	)	
JEFFERSON D. NEAL	)	JUDGE EDGAR

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on February 3, 2010, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Michael E. Stuart and the Warrant for Arrest issued by U.S. District Judge R. Allan Edgar. Those present for the hearing included:

- (1) AUSA Terra Bay for the USA.
- (2) Defendant JEFFERSON D. NEAL.
- (3) Attorney Rita LaLumia for defendant.
- (4) U.S. Probation Officer Michael E. Stuart.
- (5) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney Rita LaLumia of Federal Defender Services of Eastern Tennessee, Inc. was appointed to represent the defendant. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Bay called USPO Michael E. Stuart as a witness and moved that the defendant be detained pending the revocation hearing.

Findings

- (1) Based upon USPO Michael E. Stuart's testimony, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged or set forth in the Petition.

(2) The defendant has not carried his burden under Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

\_\_\_\_\_ It is ORDERED:

(1) The motion of AUSA Bay that the defendant be DETAINED WITHOUT BAIL pending the revocation hearing before U.S. District Judge Curtis L. Collier is GRANTED.

(2) The U.S. Marshal shall transport JEFFERSON D. NEAL to a revocation hearing before Judge Collier on **Thursday, February 18, 2010, at 9:00 a.m.**

ENTER.

Dated: February 3, 2010

*s/William B. Mitchell Carter*  
UNITED STATES MAGISTRATE JUDGE